

Attorney Docket No. ABAX-009/03US 010265-2061

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FEB 18 2011  
OFFICE OF PETITIONS  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No.: 5,776,563  
Applicant: Steven N. BUHL *et al.*  
Serial No.: 08/466,155  
Filed: June 6, 1995  
Confirmation No.: 2738  
Art Unit No.: 1773  
Examiner: Dhirajlal S. Nakarani

FOR: DRIED CHEMICAL COMPOSITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUBMISSION UNDER 37 C.F.R. § 1.28(c)

Sir:

This is a submission under 37 C.F.R. § 1.28(c) to correct an inadvertent error in claiming small entity status and to pay the deficiency that may have resulted from mistakenly paid small entity fees.

Patentee is now and has always itself been a small entity with less than 500 employees. A license to the above-captioned application and/or the subsequently issued patent was granted to Pharmacia, Inc., on October 1, 1994, to Cepheid<sup>1</sup> on September 30, 2005, and to bioMerieux SA on March 20, 2006. Patentee's agent, through error and without deceptive intent, continued to pay small entity fees thereafter. Accordingly, in compliance with the requirements of § 1.28,

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<sup>1</sup> Cepheid appears to have grown to over 500 employees sometime during 2008.

02/16/2011 DALLEN 00000006 501283 08466155  
01 FC:1599 3925.00 DA

Adjustment date: 04/22/2011 CKHLOK  
02/16/2011 DALLEN 00000005 501283 5776563

01 FC:1599 3925.00 CR  
Adjustment date: 04/22/2011 CKHLOK  
02/16/2011 DALLEN 00000006 501283 08466155  
01 FC:1599 2197.00 CR

patentee now submits a good faith payment of the deficiency owed and requests the Office excuse the error.

Please charge \$6,122 to our **Deposit Account No. 50-1283** for the total deficiency. As required under 37 CFR § 1.28 (c)(2)(ii), an itemization with respect to each fee that was paid is attached. If the Office determines that the calculation of the deficiency is in error, or if any other fee is required for entry, consideration, or acceptance of this paper, patentee requests that the Director debit the appropriate fee(s) from our **Deposit Account No. 50-1283**.

Dated: February 9, 2011

**CUSTOMER NO. 58249**

COOLEY LLP  
ATTN: Patent Group  
777 6<sup>th</sup> Street NW, Suite 1100  
Washington, DC 20001  
Tel: (415) 693-2002  
Fax: (202) 842-7899

Respectfully submitted,  
COOLEY LLP

By: /NanWu/  
Nan Wu, M.D., Ph.D.  
Reg. No. 43,360  
Attorney for Abaxis, Inc.